



Public Participation & Your Permit

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Public Notice versus Public Participation

- Public notice is a legal requirement
- Public participation is involving the public in the permitting process
- Education: helping the community bring forward meaningful, technical comments that can bring about permit changes that address their concerns



Public Noticed Permits

- Construction permits triggering NSR or NSR avoidance
- Operating Permits triggering Title V or Title V avoidance (Conditional Major)
- General CM
- “When determined to be appropriate by the Department”
 - SC R. 61-62.1 Section II N -2007 streamlining reg. change



Public Notice Permit Process

- Engineer completes draft permit and sends to BAQ Public Information Specialist
- Notice sent to Paper & published in legal section
- Open 30 days for public comment
- No comment- issue within 2-4 days of comment closing



Public Notice Permit Process

- When a comments is received: everything changes!
- May know beforehand that there are community concerns
- Types of formal comments:
 - Request for a hearing (citizen approach)
 - Specific requests for controls, work practices, emission limit changes (environmental group approach- setting up for negotiation, litigation)
- Department has discretion to hold a hearing
- BAQ responds to all comments



Public Meetings

- **Less formal than a public hearing**
- **Meetings held when we know beforehand that there are community concerns**
- **Held early on in the permit process-before a draft is constructed, before major decisions are made**
- **Could be held in lieu of a public hearing**



Public Meetings

- Educates the community about the project, permit process and DHEC's authority
- Opportunity for facility and community to meet face to face
- Gives us the most information on the concerns of the community and other interested parties



Public Meetings

- **Public Meeting Format:**
 - **Facilitator greets group, lays out rules of conduct**
 - **DHEC permit update, fact sheets developed as needed**
 - **Question & Answer (Q&A) format**
 - **DHEC and facility respond**



Public Hearings

- **Formal Process**
- **Takes place after draft permit notice period**
 - **the hearing must be noticed 30 days prior to being held**



Public Hearings

- **Format of Public Hearing**
 - **Hearing Officer lays out rules, timing**
 - **Update if needed, possible short Q&A**
 - **Presentation by Permit Engineer**
 - **Presentation by Facility**
 - **Comments Taken**



Public Hearings

- **Comment period closes 5-15 days after hearing**
- **Transcript received within 2-3 weeks**
- **BAQ responds formally to comments**
 - **Facility may be asked to help respond to comments**
- **BAQ issues Final Department Decision**
- **Interested parties sent decision**



Comments Received

- **Focus on Air Toxics**
 - **How are SC regs protective?**
 - **Comparison of facilities expected air concentrations to safe levels/odor levels**
 - **Overall impact to the area- including multi-impact from other facilities and background concentrations**
 - **Fugitive emissions**
 - **Mercury**



Comments Received Air Toxics...

- **Approach to response**
 - **Very little information on background concentrations**
 - **Risk assessment-type responses needed; expertise needs to be developed**
 - **Have asked facilities to perform additional modeling to help address questions**



Comments Received

- **Attainment**

- **How will this source impact attainment?**
- **Multi-source impact to heavily industrial areas**
- **Switch to cleaner burning fuel**
- **How do other health groups view SC air quality (ex- American Lung Association)**



Comments Received Attainment...

- **Approach to response**
 - have asked facilities to perform additional modeling
 - Facilities have made physical, operational changes to help address concerns



Comments Received

- **Trust Issues**
 - **DHEC Oversight**
 - **Facility self monitoring and reporting**
 - **How does DHEC know facilities are meeting requirements on a day to day basis?**
- **Facility compliance history-compliance questions on all facility sites**
- **What is DHEC enforcement process?**



Comments Received

- **Noise**
- **Odor**
- **Property values impact**
- **Impact to nearby schools**
- **Impact to people whose health is already compromised**
- **Fire protection, accidental release, water usage, impacts to wells**



Comments on Permit Process

- DHEC needs to inform the community when the application is received
- Change the way DHEC conducts hearings
- Allow for a citizen advocate to work throughout the permitting process
- Incorporate regional environmental and health issues into the permitting process



Permit Timing

- **Permit Issuance Timeline: This WILL take longer and WILL take extra effort**
- **Expedited review- ineligible if there are community concerns**
- **Public meetings usually held prior to permit notice**
- **Some questions may require research and follow-up**
 - **Ex- health & air impact studies done on similar processes**



Permit Timing

- Meetings with or responses to other interested parties
- Making decisions on hearings early
 - 30 days notice is required prior to a hearing
 - Can notice the hearing in conjunction with the permit notice
- “Response to Comments” document takes time



What you can do

- **Notify community prior to application submittal**
- **Handle complaints**
- **Be willing to negotiate and offer additional information**
- **Don't make promises you can't keep**
 - **Example: "There will never be any odor outside the facility fenceline"**



What you can do

- **Attend meetings and hearings**
 - Your representative should have a relaxed, non-defensive manner
 - Speak in plain language
 - Pick a speaker that is good at talking with people
- **Site planning for new facilities- look at sites that are far away from neighborhoods, schools, etc... if possible**